IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2983 OF 2006.

1. Mahadeo Khashaba Dhane
2. Swapnil Shriniwas Dhane ... Applicant
V/s
The State of Maharashtra ..Respondent.

Mr. R.S.Kate for the applicant.
Mrs. M. H. Mhatre, A.P.P. for the State.

CORAM : S.C. DHARMADHIKARI, J.
DATE : 21ST AUGUST, 2006.

P.C.

. Heard Mr. Kate appearing for the applicant and Mrs. Mhatre appearing for respondent.

2. The application for bail is preferred by the original accused Nos. 1 and 15 in CR.No. 45/2006, which is registered at Borgaon Police Station. 17 accused have been arrested on 29th April, 2006 and are since then in custody. The offences alleged are under Sections 302 of Indian Penal Code and others as set out in para one of the application.

3. There are disputes on account of Grampanchayat election and there are cross complaints as well. As far as 17 accused, except the applicants/accused and one

absconding accused, others have been enlarged on bail.

4. Mr. Kate submits that on ground of parity and when there is identical recovery and charge of assault with idential weapons, the applicant also deserves to be enlarged on bail. He submits that the applicant No.2 is college going student would stay and reside at Satara till conclusion of the trial and will not enter the village limits of Padali.

5. The learned A.P.P. submits that applicant No.1 had assaulted injured with stick, whereas applicant No. 2 has assaulted with sword, however, she does not dispute the fact that other accused have been enlarged on bail and identical recoveries has been made from them as well.

6. In the above circumstances, on the ground of parity the applicants deserves to be enlarged on bail but with stringent conditions.

7. Hence, following order:-

i) The applicants arrested in connection with

CR.No. 45/2006 registered with Borgaon Police Station, shall be enlarged on bail subject to furnishing a personal bond of Rs. 20,000/- each with one or two local sureties in the like amount.

ii) The applicant No.2 shall pursue his education as well as reside at Satara till the conclusion of the trial and shall report to the Satara City Police station twice in a week till the conclusion of the trial.

iii) The bail is granted subject to condition that the applicant No.1 will remain present before the concerned investigating officer twice in a week till the conclusion of the the trial.

iv) The order of bail will be given effect only after the applicants furnish to the investigating officer the details about their place of residence and address where they proposes to stay after they are enlarged on bail. The applicants will not change residential address thereafter till the conclusion of the trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicants shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicants shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicants to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C. DHARMADHIKARI, J.)